

House Study Bill 608 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON NUNN)

A BILL FOR

1 An Act prohibiting the mistreatment of animals other than
2 livestock and wild animals, providing for the rescue of
3 animals by local law enforcement agencies, providing for
4 criminal offenses and court orders, and including penalties.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 717B.1, Code 2018, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 2A. "*Animal control officer*" means a person
4 employed, contracted, or appointed by a local authority to
5 assist in the enforcement of chapter 162, this chapter, or any
6 other law or ordinance relating to the licensing of animals,
7 control of animals, or the seizure and impoundment of animals.

8 NEW SUBSECTION. 3A. a. "*Convicted*" means found guilty of,
9 pleads guilty to, or is sentenced or adjudicated delinquent
10 for an act which is an indictable offense in this state or in
11 another state, including but not limited to a juvenile who has
12 been adjudicated delinquent, whether or not the juvenile court
13 records have been sealed under section 232.150, and a person
14 who has received a deferred sentence or a deferred judgment or
15 has been acquitted by reason of insanity.

16 b. "*Convicted*" includes the conviction of a juvenile
17 prosecuted as an adult. "*Convicted*" also includes a conviction
18 for an attempt or conspiracy to commit an offense.

19 c. "*Convicted*" does not mean a plea, sentence, adjudication,
20 deferred sentence, or deferred judgment which has been reversed
21 or otherwise set aside.

22 NEW SUBSECTION. 4A. "*Injury*" means an impairment to an
23 animal's health or functions, including physical damage or harm
24 to an animal's muscle, tissue, organs, bones, hide, or skin,
25 that causes the animal to suffer pain.

26 NEW SUBSECTION. 8A. "*Serious injury*" means an injury that
27 creates a substantial risk of death or that causes protracted
28 disfigurement, protracted impairment of health, or protracted
29 loss or impairment of the function of a limb or organ.

30 Sec. 2. Section 717B.1, subsection 9, Code 2018, is amended
31 to read as follows:

32 9. "*Threatened animal*" means an animal that ~~is abused as~~
33 provided suffers mistreatment due to animal abuse as described
34 in section 717B.2, neglected animal neglect as provided
35 described in section 717B.3, or tortured animal torture as

1 ~~provided described in section 717B.3A, animal abandonment~~
2 ~~as described in section 717B.3B, or animal endangerment as~~
3 ~~described in section 717B.3C.~~

4 Sec. 3. Section 717B.2, Code 2018, is amended to read as
5 follows:

6 **717B.2 Animal abuse — penalties.**

7 ~~1. A person is guilty of animal abuse if the person~~
8 ~~intentionally injures, maims, disfigures, or destroys an animal~~
9 ~~owned by another person, in any manner, including intentionally~~
10 ~~poisoning the animal commits animal abuse when the person~~
11 ~~knowingly or recklessly causes injury, serious injury, or death~~
12 ~~to an animal by force, violence, or poisoning. A person guilty~~
13 ~~of animal abuse is guilty of an aggravated misdemeanor.~~

14 ~~2. This section shall not apply to conduct engaged in by any~~
15 ~~of the following:~~

16 ~~1. A person acting with the consent of the person owning~~
17 ~~the animal, unless the action constitutes animal neglect as~~
18 ~~provided in section 717B.3.~~

19 ~~2. a. A person acting to carry out an order issued by a~~
20 ~~court.~~

21 ~~3. b. A licensed veterinarian practicing veterinary~~
22 ~~medicine as provided in chapter 169.~~

23 ~~4. c. A person acting in order to carry out another~~
24 ~~provision of law which allows the conduct.~~

25 ~~5. d. A person taking, hunting, trapping, or fishing for a~~
26 ~~wild animal as provided in chapter 481A.~~

27 ~~6. e. A person acting to protect the person's property from~~
28 ~~a wild animal as defined in section 481A.1.~~

29 ~~7. f. A person acting to protect a person from injury or~~
30 ~~death caused by a wild animal as defined in section 481A.1.~~

31 ~~8. g. A person reasonably acting reasonably to protect the~~
32 ~~person's property from damage caused by an unconfined animal.~~

33 ~~9. h. A person reasonably acting reasonably to protect a~~
34 ~~person from injury or death caused by an unconfined animal.~~

35 ~~10. i. A local authority reasonably acting reasonably to~~

1 destroy an animal, if at the time of the destruction, the owner
2 of the animal is absent or unable to care for the animal, and
3 the animal is permanently distressed by disease or injury to a
4 degree that would result in severe and prolonged suffering.

5 ~~11.~~ j. A research facility, as defined in [section 162.2](#),
6 provided that the research facility performs functions within
7 the scope of accepted practices and disciplines associated with
8 the research facility.

9 3. A person who commits animal abuse that does not cause
10 serious injury or death to an animal is guilty of a serious
11 misdemeanor.

12 4. A person who commits animal abuse that causes serious
13 injury or death to an animal is guilty of an aggravated
14 misdemeanor.

15 5. Notwithstanding subsection 4, a person who commits
16 animal abuse that causes serious injury or death to an animal
17 is guilty of a class "D" felony if the person has previously
18 been convicted of committing animal abuse pursuant to this
19 section, animal neglect pursuant to section 717B.3, animal
20 torture pursuant to section 717B.3A, animal abandonment
21 pursuant to section 717B.3B, animal endangerment pursuant
22 to section 717B.3C, injury to or interference with a police
23 service dog pursuant to section 717B.9, bestiality pursuant to
24 section 717C.1, or an act involving a contest event prohibited
25 in section 717D.2.

26 Sec. 4. Section 717B.3, Code 2018, is amended to read as
27 follows:

28 **717B.3 Animal neglect — penalties.**

29 1. A person who ~~impounds or~~ commits animal neglect when
30 the person owns or has custody of an animal, confines, in any
31 place, an ~~that~~ animal, is guilty of animal neglect if the
32 person does any of the following:

33 a. ~~Fails and fails to supply the animal during confinement~~
34 ~~with a sufficient quantity of food or water.~~ reasonably provide
35 the animal with any of the following:

1 a. Access to food in an amount and quality sufficient to
2 satisfy the animal's basic nutrition level.

3 ~~b. Fails to provide a confined dog or cat with adequate~~
4 ~~shelter.~~ Access to a supply of potable water in an amount
5 sufficient to satisfy the animal's basic hydration level.
6 Access to snow or ice does not satisfy this requirement.

7 ~~c. Tortures, deprives of necessary sustenance, mutilates,~~
8 ~~beats, or kills an animal by any means which causes unjustified~~
9 ~~pain, distress, or suffering.~~ Sanitary conditions free from
10 excessive animal waste or the overcrowding of animals.

11 d. Ventilated shelter sufficient to provide adequate
12 protection from the elements and weather conditions suitable
13 for the age, species, and physical condition of the animal
14 so as to maintain the animal in a state of good health. The
15 shelter must protect the animal from wind, rain, snow, or sun
16 and have adequate bedding to provide protection against cold
17 and dampness. A shelter may include a residence, garage, barn,
18 shed, or doghouse.

19 e. Grooming, to the extent reasonably necessary to prevent
20 adverse health effects or suffering.

21 f. Veterinary care deemed necessary by a reasonably
22 prudent person to relieve an animal's distress from any of the
23 following:

24 (1) A condition caused by failing to provide for the
25 animal's welfare as described in paragraphs "a" through "f".

26 (2) An injury or illness suffered by the animal causing the
27 animal to suffer prolonged pain and suffering.

28 2. This section does not apply to a research facility, as
29 defined in section 162.2, provided that the research facility
30 performs functions within the scope of accepted practices and
31 disciplines associated with the research facility.

32 3. A person who negligently or intentionally commits the
33 offense of animal neglect that does not cause injury or death
34 to an animal is guilty of a simple misdemeanor. A person who
35 intentionally commits the offense of animal neglect which

1 ~~results in serious injury to or the death of an animal is~~
2 ~~guilty of a serious misdemeanor.~~

3 4. A person who commits animal neglect that causes injury
4 other than serious injury or death to an animal is guilty of a
5 serious misdemeanor.

6 5. A person who commits animal neglect which causes serious
7 injury or death to an animal is guilty of an aggravated
8 misdemeanor.

9 6. Notwithstanding subsection 5, a person who commits
10 animal neglect which causes serious injury or death to an
11 animal is guilty of a class "D" felony if the person has been
12 previously convicted of animal abuse pursuant to section
13 717B.2, animal neglect pursuant to this section, animal torture
14 pursuant to section 717B.3A, animal abandonment pursuant to
15 section 717B.3B, animal endangerment pursuant to section
16 717B.3C, injury to or interference with a police service dog
17 pursuant to section 717B.9, bestiality pursuant to section
18 717C.1, or an act involving a contest event prohibited in
19 section 717D.2.

20 Sec. 5. Section 717B.3A, Code 2018, is amended to read as
21 follows:

22 **717B.3A Animal torture — penalties.**

23 1. A person is guilty of animal torture, ~~regardless of~~
24 ~~whether the person is the owner of the animal, if~~ when the
25 person inflicts upon the animal severe and prolonged or
26 repeated physical pain with a depraved or sadistic intent to
27 cause that results in the animal's prolonged suffering and
28 serious injury or death.

29 2. This section shall not apply to conduct engaged in by any
30 of the following:

31 a. A person acting to carry out an order issued by a court.

32 b. A licensed veterinarian practicing veterinary medicine as
33 provided in chapter 169.

34 c. A person carrying out a practice that is consistent with
35 animal husbandry practices.

1 *d.* A person acting in order to carry out another provision
2 of law which allows the conduct.

3 *e.* A person taking, hunting, trapping, or fishing for a wild
4 animal as provided in [chapter 481A](#).

5 *f.* A person acting to protect the person's property from a
6 wild animal as defined in [section 481A.1](#).

7 *g.* A person acting to protect a person from injury or death
8 caused by a wild animal as defined in [section 481A.1](#).

9 *h.* A person reasonably acting reasonably to protect the
10 person's property from damage caused by an unconfined animal.

11 *i.* A person reasonably acting reasonably to protect a person
12 from injury or death caused by an unconfined animal.

13 *j.* A local authority reasonably acting reasonably to destroy
14 an animal, if at the time of the destruction, the owner of the
15 animal is absent or unable to care for the animal, and the
16 animal is permanently distressed by disease or injury to a
17 degree that would result in severe and prolonged suffering.

18 *k.* A research facility, as defined in [section 162.2](#),
19 provided that the research facility performs functions within
20 the scope of accepted practices and disciplines associated with
21 the research facility.

22 3. ~~*a.* The following shall apply to a person who commits~~
23 ~~animal torture:~~

24 ~~{1} For the first conviction, the person is guilty of an~~
25 ~~aggravated misdemeanor. The sentencing order shall provide~~
26 ~~that the person submit to psychological evaluation and~~
27 ~~treatment according to terms required by the court. The costs~~
28 ~~of the evaluation and treatment shall be paid by the person.~~
29 ~~In addition, the sentencing order shall provide that the person~~
30 ~~complete a community work requirement, which may include a work~~
31 ~~requirement performed at an animal shelter or pound, as defined~~
32 ~~in [section 162.2](#), according to terms required by the court.~~

33 ~~{2} For a second or subsequent conviction, the person is~~
34 ~~guilty of a class "D" felony. The sentencing order shall~~
35 ~~provide that the person submit to psychological evaluation and~~

1 ~~treatment according to terms required by the court. The costs~~
2 ~~of the psychological evaluation and treatment shall be paid by~~
3 ~~the person.~~

4 ~~b.~~ The juvenile court shall have exclusive original
5 jurisdiction in a proceeding concerning a child who is alleged
6 to have committed animal torture, in the manner provided in
7 section 232.8. The juvenile court shall not waive jurisdiction
8 in a proceeding concerning an offense alleged to have been
9 committed by a child under the age of seventeen.

10 4. A person who commits animal torture is guilty of a class
11 "D" felony.

12 5. Notwithstanding subsection 4, a person who commits
13 animal torture is guilty of a class "C" felony if the person
14 has previously been convicted of committing animal abuse
15 pursuant to section 717B.2, animal neglect pursuant to section
16 717B.3, animal torture pursuant to this section, animal
17 abandonment pursuant to section 717B.3B, animal endangerment
18 pursuant to section 717B.3C, injury to or interference with
19 a police service dog pursuant to section 717B.9, bestiality
20 pursuant to section 717C.1, or an act involving a contest event
21 prohibited in section 717D.2.

22 Sec. 6. NEW SECTION. 717B.3B Animal abandonment —
23 penalties.

24 1. A person commits animal abandonment by knowingly or
25 recklessly relinquishing custody of an animal at a location in
26 which the person does not hold a legal or equitable interest if
27 the person does not do any of the following:

28 a. Legally transfer the animal to another person.

29 b. Make reasonable arrangements for the transfer of custody
30 of the animal to a person who agrees to assume custody of the
31 animal.

32 c. Make other reasonable arrangements for the care of the
33 animal in a manner that would not constitute animal neglect
34 under section 717B.3.

35 2. A person who commits animal abandonment that does not

1 cause injury or death to an animal is guilty of a simple
2 misdemeanor.

3 3. A person who commits animal abandonment that causes
4 injury other than serious injury or death to an animal is
5 guilty of a serious misdemeanor.

6 4. A person who commits animal abandonment that causes
7 serious injury or death to an animal is guilty of an aggravated
8 misdemeanor.

9 5. Notwithstanding subsection 4, a person who commits
10 animal abandonment that causes serious injury or death to
11 an animal is guilty of a class "D" felony if the person has
12 previously been convicted of committing animal abandonment
13 pursuant to this section, animal abuse pursuant to section
14 717B.2, animal neglect pursuant to section 717B.3, animal
15 torture pursuant to section 717B.3A, animal endangerment
16 pursuant to section 717B.3C, injury to or interference with
17 a police service dog pursuant to section 717B.9, bestiality
18 pursuant to section 717C.1, or an act involving a contest event
19 prohibited in section 717D.2.

20 Sec. 7. NEW SECTION. 717B.3C Animal endangerment —
21 penalties.

22 1. A person commits animal endangerment when the person
23 confines an animal in a stationary motor vehicle in a manner
24 that endangers the health or life of the animal by exposing the
25 animal to a prolonged period of extreme interior temperature or
26 a long period without adequate ventilation.

27 2. A person who commits animal endangerment that does
28 not cause injury or death to an animal is guilty of a simple
29 misdemeanor.

30 3. A person who commits animal endangerment that causes
31 injury other than serious injury or death to an animal is
32 guilty of a serious misdemeanor.

33 4. A person who commits animal endangerment that causes
34 serious injury or death to an animal is guilty of an aggravated
35 misdemeanor.

1 5. Notwithstanding subsection 4, a person who commits
2 animal endangerment that causes serious injury to an animal
3 is guilty of a class "D" felony if the person has previously
4 been convicted of committing animal endangerment pursuant to
5 this section, animal abuse pursuant to section 717B.2, animal
6 neglect pursuant to section 717B.3, animal torture pursuant
7 to section 717B.3A, animal abandonment pursuant to section
8 717B.3B, injury to or interference with a police service dog
9 pursuant to section 717B.9, bestiality pursuant to section
10 717C.1, or an act involving a contest event prohibited in
11 section 717D.2.

12 Sec. 8. NEW SECTION. 717B.3D Animal mistreatment — court
13 order — evaluation and treatment.

14 1. At the time of a person's conviction for a public
15 offense committed under this chapter, a court may enter an
16 order requiring the person to undergo a psychological or
17 psychiatric evaluation and to undergo any treatment that the
18 court determines to be appropriate after due consideration of
19 the evaluation. However, the court shall enter such an order
20 if the convicted person is any of the following:

21 a. A juvenile.

22 b. An adult committing animal abuse pursuant to section
23 717B.2, animal neglect punishable as an aggravated misdemeanor
24 or class "D" felony pursuant to section 717B.3, animal torture
25 pursuant to section 717B.3A, animal abandonment pursuant to
26 section 717B.3B, or animal endangerment pursuant to section
27 717B.3C.

28 2. The costs of undergoing a psychological or psychiatric
29 evaluation and undergoing any treatment ordered by the court
30 shall be borne by the convicted person, unless the person is
31 a juvenile.

32 3. An order made under this section is in addition to any
33 other order or sentence of the court.

34 4. Any violation of the court order shall be punished as
35 contempt of court pursuant to chapter 665.

1 Sec. 9. NEW SECTION. **717B.3E Animal mistreatment —**
2 **sentencing order — prohibitions.**

3 1. At the time of a person's sentencing for a public offense
4 committed under this chapter, a court may prohibit the person
5 from owning or obtaining custody of an animal or residing in
6 the same dwelling where an animal is kept. The period of the
7 prohibition shall be not less than three years.

8 2. Notwithstanding subsection 1, the court shall enter such
9 an order if the convicted person has committed animal abuse
10 punishable as an aggravated misdemeanor or class "D" felony
11 pursuant to section 717B.2, animal neglect punishable as an
12 aggravated misdemeanor or class "D" felony pursuant to section
13 717B.3, animal torture pursuant to section 717B.3A, animal
14 abandonment punishable as an aggravated misdemeanor or class
15 "D" felony pursuant to section 717B.3B, or animal endangerment
16 punishable as an aggravated misdemeanor or class "D" felony
17 pursuant to section 717B.3C. The period of such prohibition
18 shall be not less than ten years.

19 3. The duration of a prohibition described in this
20 section commences on the date that the person is placed on
21 probation, released on parole or work release, or released from
22 incarceration or from placement in a juvenile facility.

23 4. An order made pursuant to this section is in addition to
24 any other order or sentence of the court.

25 5. Any violation of the court order described in this
26 section is a public offense and shall be punished as a simple
27 misdemeanor.

28 Sec. 10. NEW SECTION. **717B.5A Rescue — motor vehicles.**

29 1. A law enforcement officer or animal control officer may
30 rescue an animal from a stationary motor vehicle, including
31 through the use of forced entrance, if the law enforcement
32 officer or animal control officer reasonably believes that the
33 animal may be suffering distress due to exposure to extreme
34 interior temperature or a lack of adequate ventilation. The
35 law enforcement officer's or animal control officer's action

1 is justified regardless of whether the law enforcement officer
2 or animal control officer observed indications of distress
3 or whether the person could be charged with or convicted of
4 committing a public offense.

2. The law enforcement officer or animal control officer shall provide written notice of the rescue to the animal's responsible party. This requirement is satisfied by placing the notice in a conspicuous place located within the motor vehicle. The notice must state where the rescued animal may be claimed.

11 3. The local authority shall provide for the maintenance
12 of the rescued animal as if it were a threatened animal under
13 section 717B.5. However, a dispositional proceeding under
14 section 717B.4 is not required if within ten days after the
15 date of the animal's rescue the responsible party claims the
16 animal from the local authority. In order to claim the animal,
17 the responsible party must reimburse the local authority for
18 all reasonable costs that accrued from rescuing and maintaining
19 the animal.

20 Sec. 11. IMPLEMENTATION OF ACT. Section 25B.2, subsection
21 3, shall not apply to this Act.

22 Sec. 12. REPEAL. Section 717B.8, Code 2018, is repealed.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.

26 GENERAL. This bill amends Code chapter 717B prohibiting
27 the mistreatment of certain animals, including dogs and cats,
28 but excluding other animals such as livestock (Code chapter
29 717); game, fur-bearing animals, fish, reptiles, or amphibians
30 (Code chapter 481A), unless such animal is owned, confined,
31 or controlled by a person; or a nongame animal declared to be
32 a nuisance by the natural resource commission (Code section
33 481A.42).

34 The bill amends three different criminal offenses in Code
35 chapter 717B, including animal abuse (Code section 717B.2),

1 animal neglect (Code section 717B.3), and animal torture (Code
2 section 717B.3A). The bill creates two new criminal offenses
3 including animal abandonment (new Code section 717B.3B) and
4 animal endangerment (new Code section 717B.3C). Under the
5 bill, each of the offenses includes an enhanced penalty that
6 applies to a convicted person who has previously committed any
7 of the named offenses; committed injury or interference with a
8 police service dog (Code section 717B.9); committed bestiality
9 (Code section 717C.1); or committed an offense involving an
10 animal contest (Code section 717D.4).

11 TYPES OF CRIMINAL OFFENSES — ABUSE. Animal abuse involves
12 intentionally injuring an animal by violence or poisoning. The
13 bill replaces the intent element with that of acting knowingly
14 or recklessly. It also removes a provision that exempted
15 a person who acted with the consent of the animal's owner.
16 The bill reduces the penalty from an aggravated to a serious
17 misdemeanor for committing animal abuse that does not cause
18 an animal serious injury or death and retains the penalty of
19 aggravated misdemeanor for committing animal abuse that causes
20 an animal serious injury or death. The bill provides that the
21 aggravated misdemeanor may be enhanced to a class "D" felony
22 if the person was previously convicted of one of the named
23 offenses.

24 TYPES OF CRIMINAL OFFENSES — NEGLECT. Animal neglect
25 involves failing to provide an animal with adequate food,
26 water, or shelter, or torturing the animal. The bill rewrites
27 these requirements by requiring that an animal be furnished
28 with adequate supplies of nutritional food, access to potable
29 water, adequate sanitary conditions, ventilated shelter
30 sufficient to provide the animal with protection from extreme
31 weather conditions, and necessary veterinary care. The bill
32 eliminates the torture prohibition. The bill retains the
33 criminal penalty which is a simple misdemeanor. However, the
34 penalty is increased to a serious misdemeanor if the animal
35 suffers an injury and to an aggravated misdemeanor if the

1 animal suffers a serious injury or death. In a case where
2 the animal suffers a serious injury or death, the aggravated
3 misdemeanor may be enhanced to a class "D" felony if the person
4 was previously convicted of one of the named offenses.

5 TYPES OF CRIMINAL OFFENSES — TORTURE. Animal torture
6 involves inflicting upon an animal severe physical pain with
7 depraved or sadistic intent to cause prolonged suffering or
8 death. The bill eliminates the element of intent and requires
9 that the act involve prolonged or repeated physical pain that
10 results in prolonged suffering and serious injury or death.
11 The bill replaces the current penalties for animal torture. A
12 person is no longer guilty of an aggravated misdemeanor for
13 the first offense and a class "D" felony for a subsequent
14 offense. Instead, a person is guilty of a class "D" felony,
15 which is enhanced to a class "C" felony if the person was
16 previously convicted of one of the named offenses. The bill
17 also eliminates a requirement that a person convicted of animal
18 torture must submit to psychological evaluation and treatment.

19 TYPES OF CRIMINAL OFFENSES — ABANDONMENT. Animal
20 abandonment involves knowingly or recklessly relinquishing
21 custody of an animal at a location in which the person does
22 not hold a legal or equitable interest. There are exceptions
23 in cases of transferring ownership or custody or making
24 arrangements for the care of the animal. The criminal penalty
25 is a simple misdemeanor. However, the penalty is increased to
26 a serious misdemeanor if the animal suffers an injury and to an
27 aggravated misdemeanor if the animal suffers a serious injury
28 or death. In a case where the animal suffers a serious injury
29 or death, the aggravated misdemeanor may be enhanced to a class
30 "D" felony if the person was previously convicted of one of the
31 named offenses.

32 TYPES OF CRIMINAL OFFENSES — ENDANGERMENT. Animal
33 endangerment involves confining an animal in a stationary motor
34 vehicle in a manner that exposes the animal to a prolonged
35 period of extreme interior temperature or a long period

1 without adequate ventilation. The criminal penalty is a
2 simple misdemeanor. However, the penalty is increased to a
3 serious misdemeanor if the animal suffers an injury and to an
4 aggravated misdemeanor if the animal suffers a serious injury
5 or death. In a case where the animal suffers a serious injury
6 or death, the aggravated misdemeanor may be enhanced to a class
7 "D" felony if the person was previously convicted of one of the
8 named offenses.

9 APPLICABLE CRIMINAL PENALTIES. The criminal penalties are
10 as follows: (1) simple misdemeanor, confinement for no more
11 than 30 days or a fine of at least \$65 but not more than \$625 or
12 by both; (2) serious misdemeanor, confinement for no more than
13 one year and a fine of at least \$315 but not more than \$1,875;
14 (3) aggravated misdemeanor, confinement for no more than two
15 years and a fine of at least \$625 but not more than \$6,250; (4)
16 class "D" felony, confinement for no more than five years and a
17 fine of at least \$750 but not more than \$7,500; and (5) class
18 "C" felony, confinement for no more than 10 years and a fine of
19 at least \$1,000 but not more than \$10,000.

20 COURT ORDERS. At the time of conviction for committing
21 any of the offenses, a person may be subject to a court order
22 requiring a psychological or psychiatric evaluation and
23 treatment. The person may also be subject to a court order
24 prohibiting the person from owning, possessing, or living with
25 an animal. In each case, the court's decision to issue an
26 order is discretionary except under certain conditions. A
27 court order requiring an evaluation and treatment is mandatory
28 for juveniles. That order and the order prohibiting contact
29 with animals is also mandatory if the offense is punishable as
30 an aggravated misdemeanor or felony. For a discretionary court
31 order, the period of prohibition is for not less than three
32 years. For a mandatory court order, the period of prohibition
33 is not less than 10 years.

34 ANIMAL RESCUE — LOCAL LAW ENFORCEMENT OFFICERS — AND
35 LOCAL ANIMAL CONTROL OFFICER. The bill provides that a law

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1 enforcement officer (e.g., county sheriff or deputy sheriff)
2 or an animal control officer is authorized to rescue an animal
3 from a motor vehicle based upon a reasonable belief that the
4 animal may be suffering distress. The officer or animal
5 control officer must provide a written notice of the rescue.
6 After the rescue, the animal must be maintained as a rescued
7 animal by the local authority until it is claimed or disposed
8 of pursuant to court order.